

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

CARLOS MANUEL)

NO. 3:09-cr-00007
JUDGE HAYNES

**UNITED STATES' MOTION IN LIMINE TO ADMIT 404(b)
"OTHER ACTS" EVIDENCE**

Comes the United States of America, by and through the United States Attorney
for the Middle District of Tennessee, and files this *motion in limine*.

The United States requests an Order permitting the United States to present
evidence of two of Defendant Carlos Manuel's prior convictions for the purpose of showing
knowledge, intent, and absence of mistake under Federal Rule of Evidence 404(b). Specifically,
the United States requests permission to present evidence of the following two state convictions:
(1) Sale of Cocaine, Case Nos. 94-A-93 (exhibit A), and (2) Possession for Resale of over 26
grams of Cocaine, Case No. 96-A-1073, (exhibit B). Under Rule 404(b), evidence of other
crimes, wrongs, or acts is admissible as proof of motive, opportunity, intent, preparation, plan,
knowledge, identity, or absence of mistake or accident." Fed. R. Evid. 404(b); see United States
v. Spikes, 158 F.3d 913 (6th Cir. 1998). Here, Defendant's prior drug-related convictions are
relevant to the material issues of his knowledge, intent, and absence of mistake. The resulting
probative value of the other acts evidence is not outweighed by any prejudicial risk that a jury

ORDER
This motion
is DENIED
as moot in
light of the
Defendant's
guilty
pled.
L. Haynes
11-8-11